

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDON ANTHONY GOTTERSON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:22-cv-01383-DC-HBK

ORDER ADOPTING THE PARTIES’
STIPULATION FOR THE AWARD OF
ATTORNEY’S FEES UNDER THE EQUAL
ACCESS TO JUSTICE ACT

(Doc. No. 25)

On October 26, 2022, Plaintiff Brandon Anthony Gotterson filed this action seeking review of a final decision of Defendant Commissioner of Social Security. (Doc. No. 1.) On October 2, 2024, the matter was remanded to the Commissioner of Social Security for further proceedings pursuant to 42 U.S.C. § 405(g). (Doc. No. 22.) On January 2, 2025, the parties filed a stipulation with the court in which the parties agree that Plaintiff shall be awarded attorney’s fees and expenses under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), in the amount of \$7,297.50.¹ (Doc. No. 25.)

Good cause appearing, and pursuant to the parties’ January 2, 2025 stipulation, the court

¹ The court notes the “itemization of time” Plaintiff concurrently filed with the pending stipulation states the total requested amount of attorneys’ fees as \$8,031.25. (Doc. No. 25-2 at 1.) However, the parties’ stipulation provides for an award amount of \$7,297.50, and the parties’ proposed order likewise states the award amount of \$7,297.50. (Doc. No. 25 at 1, 4.) Thus, the court will award the agreed-upon amount of \$7,297.50 in attorney’s fees and expenses.

orders as follows:

1. Pursuant to the EAJA, 28 U.S.C. § 2412(d), Plaintiff is awarded attorney's fees and expenses in the amount of \$7,297.50;
2. After the issuance of this order, the government shall consider the assignment of the EAJA attorney's fees to Plaintiff's counsel;
 - a. Pursuant to the decision in *Astrue v. Ratliff*, 560 U.S. 586 (2010), any such assignment will depend on whether the attorney's fees are subject to any offset allowed under the United States Department of Treasury's ("the DOT") Offset Program;
 - b. Fees shall be made payable to Plaintiff, but if the DOT determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of attorney's fees to be made directly to Plaintiff's counsel, Jonathan O. Peña;
3. Whether the payment of attorney's fees is made payable to Plaintiff or to his counsel, the check will be mailed to Plaintiff's counsel's mailing address at:

Jonathan O. Peña
Peña & Bromberg, PC
3467 W. Shaw Ave.
Suite 100
Fresno, CA 93711

IT IS SO ORDERED.

Dated: January 2, 2025


Dena Coggins
United States District Judge